



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

August 5, 1998

Mr. Rusty Renfroe
City Attorney's Office
City of Longview
P.O. Box 1952
Longview, Texas 75606-1952

OR98-1840

Dear Mr. Renfroe:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 117264.

The City of Longview Police Department (the "city") has received a request for information regarding police arrests of parties to a domestic dispute. You argue that, as the request was made by one of the party's lawyers in the context of a letter which inter alia alleged police misconduct in the course of the arrests and sought a monetary settlement, the city may withhold the requested information under section 552.103 of the Open Records Act.

We have considered the exception you claim and have reviewed the documents at issue.

Section 552.103(a) of the Government Code, known as the litigation exception, excepts from required public disclosure information

(1) relating to litigation of a civil or criminal nature or settlement negotiations, to which the state or a political subdivision is or may be a party or to which an officer or employee of the state or a political subdivision, as a consequence of the person's office or employment, is or may be a party; and

(2) that the attorney general or the attorney of the political subdivision has determined should be withheld from public inspection.


We assume that none of the information at issue has previously been made available to the public or the potential litigant. Open Records Decision Nos. 349 (1982), 320 (1982). If and to the extent that the potential litigant has had access to these records, there generally would be no justification for now withholding such information from the requestor pursuant to section 552.103(a). Open Records Decision No. 436 (1986) at 7.

Please note too that "basic information" in the incident report you submitted may not be withheld under section 552.103. See Open Records Decision No. 597 (1991) and authorities cited there. Such "basic information" includes "the offense committed, location, identification and description of complainant, premises, time of the occurrence, property involved, weather, details of the offense in question, and the names of the investigating officers." *Id.*

Subject to these provisions, it is our opinion that you have sufficiently demonstrated that the requested information relates to reasonably anticipated litigation and that you may therefore withhold it under section 552.103 so long as litigation is pending or reasonably anticipated. See e.g. Open Records Decision No. 588 (1991).¹

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



William Walker
Assistant Attorney General
Open Records Division

WMW/RHS/ch

Ref: ID# 117264

Enclosures: Submitted documents

¹Please note that at the conclusion of the litigation, portions of the requested information constituting medical records may be released only in accordance with the Medical Practices Act, V.T.C.S. art.4495.b. See e.g. sec. 5.08(g)(2) (release to patient or authorized representative).

cc: Mr. Curtis B. Stuckey
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(w/o enclosures)